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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 09, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

GREGORIO CANTU,
CHRISTOPHER VAUGHN SCHLAX,
Defendants.

NOS. 2:22-CR-02109-SAB-1
2:22-CR-02109-SAB-2

**ORDER GRANTING MOTION
TO CONTINUE TRIAL**

Before the Court are Defendant Schlax's Unopposed Motion to Continue Trial and to Set New Pretrial Conference and Related Deadlines, ECF No. 42, and related Motion to Expedite, ECF No. 44, and Defendant Cantu's Motion to Join in Motions of Co-Defendant, ECF No. 45, and Motion to Expedite, ECF No. 46. The motions were heard without oral argument. Defendant Cantu is represented by Gregory Scott. Defendant Schlax is represented by Nick Mirr and Craig Webster. The United States is represented by Frances Walker.

Defendant Schlax asks for more time to review discovery and prepare for trial. Defendant indicates the United States does not object to a continuance. He filed a waiver of his Speedy trial rights. ECF No. 43. Defendant Cantu also filed a waiver of his Speedy Trial rights. ECF No. 47. Good cause exists to grant the motions.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant Schlax's Unopposed Motion to Continue Trial and to Set

ORDER GRANTING MOTION TO CONTINUE TRIAL ~ 1

1 New Pretrial Conference and Related Deadlines, ECF No. 42, is **GRANTED**.

2 2. Defendant's Schlax's Motion to Expedite, ECF No. 44, is

3 **GRANTED**.

4 3. Defendant Cantu's Motion to Join in Motions of Co-Defendant, ECF
5 No. 45, is **GRANTED**.

6 4. Defendant Cantu's Motion to Expedite, ECF No. 47, is **GRANTED**.

7 5. The current trial date of January 17, 2023 is **STRICKEN** and **RESET**
8 to **March 20, 2023**, at **9:00 a.m.**, commencing with a **final** pretrial conference at
9 **8:30 a.m.** All hearings shall take place in **Yakima**, Washington.

10 6. The pretrial conference set for December 15, 2022, is **continued** to
11 **March 8, 2023**, at **10:00 a.m.**, in **Yakima**, Washington. Counsel shall advise the
12 Court regarding any dispositive change in the status of this case **at least 5 days**
13 **prior to the pretrial conference**. Any motion to continue the pretrial conference
14 or trial shall be filed at the earliest practicable opportunity, but no later than **seven**
15 **(7) days prior to said proceeding**. Movant shall provide (1) specific and detailed
16 reasons for the continuance to permit the Court to make the necessary findings; (2)
17 if applicable, the Defendant's signed Speedy Trial Waiver; (3) the position of
18 opposing counsel; and (4) the proposed new date. Continuances are not granted
19 absent good cause.

20 7. All pretrial motions shall be filed on or before **February 8, 2023**.

21 8. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between January 17,
22 2023 the current trial date, until March 20, 2023, the new trial date, is
23 **DECLARED EXCLUDABLE** for purposes of computing time under the Speedy
24 Trial Act. The Court finds that the ends of justice served by such a continuance
25 outweigh the public's and Defendants' interest in a speedy trial.

26 9. Trial briefs, proposed voir dire, jury instructions, verdict forms, exhibit
27 lists, expert witness lists, and summaries of expert testimony shall be filed and
28 served by all parties on or before **seven (7) calendar days prior to trial**. This does

ORDER GRANTING MOTION TO CONTINUE TRIAL ~ 2

1 not modify the parties' discovery obligations under Fed. R. Crim. P. 16. Absent an
2 agreement between the parties or an Order from the Court, the parties' Fed. R.
3 Crim. P. 16 discovery deadlines shall be governed by Local Criminal Rule 16.

4 **IT IS SO ORDERED.** The District Court Executive is hereby directed to
5 enter this Order and furnish copies to counsel.

6 **DATED** this 9th day of December 2022.



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10 Stanley A. Bastian

11 Stanley A. Bastian
12 Chief United States District Judge
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